

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: DIRECT SELECTION OF ANTIGEN-SPECIFIC T CELLS, COMPOSITIONS OBTAINED THEREBY AND METHODS OF USE THEREOF, the specification of which is attached hereto.

I hereby state that I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.


I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Serial No. | Filing Date |
|------------------------|--------------|
| 60/085,136 | May 11, 1998 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

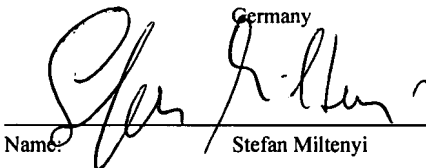
9. June 98

Date


Name: Mario Assenmacher
Residence: Germany
Citizenship: German
Post Office Address: D-51429 FreidrichEbert Strausse 68
Bergisch Gladbach

8. June 99

Date


Name: Stefan Miltenyi
Residence: Germany
Citizenship: German
Post Office Address: D-51429 FreidrichEbert Strausse 68
Bergisch Gladbach
Germany

ASSIGNMENT JOINT

THIS ASSIGNMENT, by Mario Assenmacher, Stefan Miltenyi and Jurgen Schmitz (hereinafter referred to as the assignors), residing at Freidrich-Ebert-Strausse 68, D-51429 Bergisch, Gladbach, Germany, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in DIRECT SELECTION OF ANTIGEN-SPECIFIC T CELLS, COMPOSITIONS OBTAINED THEREBY AND METHODS OF USE THEREOF, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/309,199 and filed on May 10, 1999; and


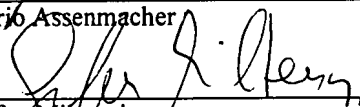
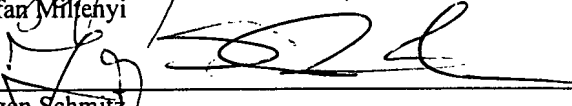
WHEREAS, Miltenyi Biotec GmbH, a corporation duly organized under and pursuant to the laws of Germany and having its principal place of business at FreidrichEbert Strausse 68, D-51429 Bergisch, Gladbach, Germany (hereinafter referred to as the Assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said Assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

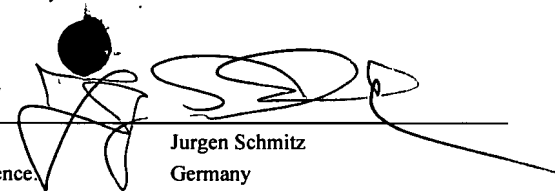
AND for the same consideration, said assignors hereby covenant and agree to and with said Assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said Assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said Assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said Assignee, its successors, legal representatives and assigns, but at the cost and expense of said Assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said Assignee as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said Assignee, its successors, legal representatives and assigns.

| | |
|---------------|--|
| June 9, 1999 |  |
| Date | Mario Assenmacher |
| June 8, 1999 |  |
| Date | Stefan Miltenyi |
| June 10, 1999 |  |
| Date | Jurgen Schmitz |

9
June 10, 1999
Date



Name: Jurgen Schmitz
Residence: Germany
Citizenship: German
Post Office Address: D-51429 FreidrichEbert Strausse 68
Bergisch Gladbach
Germany

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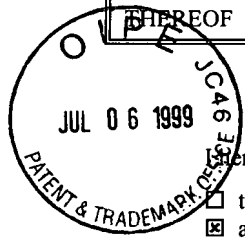
Applicant/Patentee: Assenmacher et al.

Docket No.: 212302000720

Serial No./Patent No.: 09/309,199

Filed on/Issued : May 10, 1999

For: DIRECT SELECTION OF ANTIGEN-SPECIFIC T CELLS, COMPOSITIONS OBTAINED THEREBY AND METHODS OF USE
THEREOF



**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) AND 1.27(c) — SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Miltenyi Biotec GmbH

ADDRESS OF CONCERN: D-51429 FreidrichEbert Strausse 68, Bergisch Gladbach, Germany

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled DIRECT SELECTION OF ANTIGEN-SPECIFIC T CELLS, COMPOSITIONS OBTAINED THEREBY AND METHODS OF USE THEREOF by inventors Mario Assenmacher, Stefan Miltenyi and Jurgen Schmitz.

described in

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

SIGNATURE: _____

DATE: _____